

Application No.: 09/745,386
Filing Date: December 21, 2000

segments of two adjacent lengths of flexible material cross over a second time along the common commissure post prior to attaching to the structure.

25. (NEW) The holder of claim 24, wherein each length of flexible material attaches to the rigid structure at two points such that each length may be severed close to one of its points of attachment to the rigid structure and pulled free of the valve along with the rigid structure by virtue of its remaining attachment point.

26. (NEW) The holder of claim 5, wherein the band is TEFLON.

REMARKS

Prior to the present Office Action, claims 1-23 were pending. Claims 8-23 have been canceled, and claims 24-26 have been added. Therefore, claims 1-7 and 24-26 remain pending.

Responsive to the Restriction Requirement, Applicants affirm the previous provisional election without traverse to prosecute the claims in Species I (1-7). Accordingly, claims 8-23 are canceled. Claims 24-26 are added dependent, directly or indirectly, on claim 1. All claims read on Species I.

With regard to the drawings, a formal set is being sent concurrently by regular mail and includes "Fig. 1" on the first sheet. Please see the attached sheet showing the correction.

Claims 1-7 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. The term, "each adjacent length of material" follows from the definition of "a plurality of lengths of flexible material [each] having a first segment extending directly between adjacent generally axially-extending commissure posts circumferentially-spaced around the outflow end." Therefore, each length of material extends between two commissure posts and each two lengths of material that connect to a common commissure post are "adjacent." Further clarity has been added to claim 1 to better explain the crossed-over nature of the lengths of material just radially inward from each commissure post.

Claims 1-4 and 6-7 stand rejected under 35 U.S.C. §102(b) as being anticipated by USPN 4,865,600 to Carpentier, et al. Applicants believe that the claims (as amended for clarity) are

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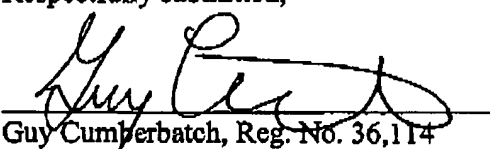
patentable over Carpentier, et al. because the lengths of material cross over (i.e., intersect) just inside each commissure post. Please see the discussion in the application on page 10, first full paragraph. The cross-over provides a plane or slide of sorts at each commissure tip that reduces the chance of suture looping thereover. Carpentier, et al. do not show or teach such a configuration, and as seen clearly at the bottom of Fig. 8, the lengths of suture diverge in opposite directions at the commissure tip rather than crossing over.

Claims 5 stands rejected under 35 USC §103(a) as being obvious over Carpentier, et al. Applicants fail to find any suggestion in Carpentier, et al. for using anything other than sutures for the commissure constricting mechanism. See the discussion on page 11, lines 20-25 with regard to the advantage of using flexible bands as in claim 5.

In accordance with the foregoing remarks and amendments, claims 1-7 and 24-26 are believed to be in condition for allowance. If there is any further hindrance to allowance, the Examiner is encouraged to contact the undersigned by telephone.

Respectfully submitted,

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CERTIFICATE OF FACSIMILE TRANSMISSION TO PATENT AND TRADEMARK OFFICE

I hereby certify under 37 CFR § 1.8 that the above-identified document is transmitted via facsimile to the Commissioner of Patents, Group TC3700, facsimile number 703/872-9392, on April 12, 2002.

746-3363

By:


Kim Knapp

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APPENDIX - MARKED-UP VERSION SHOWING CHANGES TO CLAIMS

The following changes have been made:

1. (Amended) A holder for a tissue-type prosthetic heart valve attachable to a surgical delivery handle, the heart valve having an inflow end and an outflow end and a flow axis therebetween, the valve including an annular suture ring at the inflow end and a plurality of generally axially-extending commissure posts circumferentially-spaced around the outflow end that support occluding tissue surfaces of the valve, the holder comprising:

a plurality of lengths of flexible material extending in a taut fashion across the outflow end of the valve to prevent suture looping, each length of material having a first segment extending directly between adjacent commissure posts and crossing over (i.e., intersecting) each adjacent length of material [adjacent to] just radially inward from the commissure post therebetween.

Please add the following new claims:

24. (NEW) The holder of claim 1, wherein the lengths of flexible material each axially extending in second segments along two adjacent commissure posts and attach to a structure that abuts the annular sewing ring at the inflow end of the valve, wherein the second segments of two adjacent lengths of flexible material cross over a second time along the common commissure post prior to attaching to the structure.

25. (NEW) The holder of claim 24, wherein each length of flexible material attaches to the rigid structure at two points such that each length may be severed close to one of its points of attachment to the rigid structure and pulled free of the valve along with the rigid structure by virtue of its remaining attachment point.

26. (NEW) The holder of claim 5, wherein the band is TEFLON.

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